

EXHIBIT B

I am an attorney at law licensed to practice law in the state of Pennsylvania. I am in good standing. I am duly authorized to make this Declaration (the “**Declaration**”). Unless otherwise stated in this Declaration, I have knowledge of the facts set forth herein and, if called as a witness, I would testify thereto.

I am a former judge, with over twenty-nine years of experience as a JAMS neutral and a United States Magistrate Judge for the Eastern District of Pennsylvania. Prior to joining the bench, I worked in both private and public sectors which included serving as a Prosecutor and Chief of the Child Abuse Unit for the Buck County, Pennsylvania District Attorney’s Office. I am nationally recognized for my work as a neutral and Special Master in complex class actions, mass torts, allocations, multi-district litigations (MDLs) and extensive experience mediating and allocating settlement funds in cases of child sexual abuse and other personal injury matters. At JAMS my career achievements include appointment as one of two Special Masters for the Amtrak Train Derailment Settlement Program related to the 2015 derailment of a Philadelphia passenger train that resulted in more than 200 injuries, including eight fatalities. The resulting deaths and injuries from this accident created federal litigation filed in multiple jurisdictions. The cases were consolidated into a MDL in the Eastern District of Pennsylvania. Distribution of the \$265 million settlement fund resulted in the victims receiving compensation within two years of the crash.

I mediated a global settlement of the state and federal products liability proceedings brought against Stryker Orthopaedics for \$1.43 billion for recalled hip implants—*In re: HOC Rejuvenate and ABG II Hip Implant Products Liability Litigation*, a federal multi-district litigation venued in the United States District Court for the District of Minnesota, and *In re: HOC Rejuvenate Hip Stem and ABG II Modular Hip Stem Litigation Case*, a New Jersey state multi-county litigation venued in Bergen County, New Jersey. Prior to mediating the global settlement, I mediated more than 20 bellwether cases in the New Jersey multi-county litigation. Ninety-five percent of registered eligible patients enrolled in the settlement program under the master settlement agreement. In addition, I mediated over 150 opt-out claims. Following the settlement in the Stryker litigations, I was appointed Claims Administrator. In that role, I applied the terms of the Master Settlement Agreement to the claims that were filed. In addition, I oversaw

the claims dispute process and decided appeals from the awards by individual Special Masters.

I presently serve as the Settlement Special Master for MDL No 3014 - *In re: Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation* pending in the United States District Court for the Western District of Pennsylvania and in MDL No 3021 *In re: SoClean, Inc., Marketing, Sales Practices & Products Liability Litigation*.

I mediated and helped resolve a more than \$1.3 billion-dollar settlement between Bayer and thousands of plaintiff women claiming injuries from the Essure birth control device. The settlement resolved more than 30,000 claims. I mediated and helped settle two class actions against the New Jersey Department of Corrections for global resolution of 22 civil litigations concerning longstanding allegations of sexual abuse and harassment at the Edna Mahan Correctional Facility for Women. The settlement provided almost \$21 million in damages for women who were impacted by sexual misconduct while they were incarcerated.

Further honors, memberships, and professional activities recognitions include:

- Inclusion on "National Mediators" list, Chambers USA America's Leader Lawyers for Business, 2022;
- Inclusion as a "Recognized Practitioner," Chambers USA, 2019;
- Recognition as an "ADR Champion", National Law Journal, 2016-2018;
- Voted "BEST ADR INDIVIDUAL" by the readers of ALM's Legal; Intelligencer, Best of 2007-2016;
- Recognition as Mediation "Lawyer of the Year", Philadelphia, Best Lawyers in America, 2014;
- Recognition as a Best Lawyer, Alternative Dispute Resolution Category, Best Lawyers in America, 2007-2022;
- Recognition as a Pennsylvania Super Lawyer, Alternative Dispute Resolution Category, Law & Politics Magazine, 2008-2009;
- Voted "Best Individual Mediator", National Law Journal, "Best Of" Survey, 2012;
- Member, Federal Magistrate Judges Association; Third Circuit Director, 1999-2004;
- Member, The Forum of Executive Women;
- Member, American Inns of Court; President, Temple American Inn of Court, 2002-2003;

- Member, National Association of Woman Judges, Federal Bar Association, Montgomery Bar Association, Philadelphia Bar Association;
- Member, Bucks County Bar Association, Pennsylvania Bar Association, and other professional organizations;
- As a United States Magistrate Judge, member of Third Circuit and U.S. District Court for the Eastern District of Pennsylvania court committees, including Federal-State Committee, Committee on Bankruptcy and Magistrate Judges, Alternative Dispute Resolution Committee, Court Interpreters Committee and the Committee for Bench Bar Relations and Educational Programs Committee, 1994-2005

A handwritten signature in cursive script, reading "Diane M. Welsh", followed by a horizontal line extending to the right.

Hon. Diane M. Welsh (Ret.)



Hon. Diane M. Welsh (Ret.)

JAMS Mediator, Arbitrator and Referee/Special Master

Hon. Diane M. Welsh (Ret.) is highly respected for her ability to successfully resolve disputes with sensitivity, patience, and persistence. Over the past 27 years, as a JAMS neutral and a United States Magistrate Judge, she has successfully resolved over 5000 matters, covering virtually every type of complex dispute. Specifically, Judge Welsh has extraordinary skill in resolving high-stakes multi-party commercial disputes, employment matters, catastrophic personal injury cases, class actions, mass torts and multi-district litigations (MDL's). She was recognized as a 2016-2018 "ADR Champion" by the National Law Journal.

Class Actions, Mass Torts, and MDLs

Judge Welsh is nationally recognized for her work as a neutral and Special Master in complex class actions, mass torts, and multi-district litigations (MDLs). Select examples of this work include:

- Appointed Special Master of the Amtrak Train Derailment Settlement Program related to the 2015 derailment of a Philadelphia passenger train. The program will distribute \$265m in claims

arising from the incident.

- Successful mediation in the multi-district litigation, Wright Medical Technology, Inc. Conserve Hip Implant Products Liability Litigation.
- Mediated a global settlement of the state and federal products liability proceedings brought against Stryker Orthopedics -- In re: HOC Rejuvenate and ABG II Hip Implant Products Liability Litigation, a federal multi-district litigation venued in the United States District Court for the District of Minnesota, and In re: HOC Rejuvenate Hip Stem and ABG II Modular Hip Stem Litigation Case, a New Jersey state multi-county litigation venued in Bergen County, New Jersey. Prior to mediating the global settlement, between 2013 and June 2014, Judge Welsh mediated more than 20 bellwether cases in the New Jersey multi-county litigation. Ninety-five percent of registered eligible patients have enrolled in the settlement program under the master settlement agreement. She currently serves as Claims Administrator overseeing the implementation of the settlement and continues to mediate opt-out cases.
- Appointed Special Master for all proceedings in In re: Constar International Inc. Securities Litigation in the Eastern District of Pennsylvania
- As a Magistrate Judge, presided over all aspects of discovery in In re: Diet Drugs (Phentermine/Fenfluramine/Defenefuramine) Product Liability Litigation.

ADR Experience and Qualifications

- Conducted nearly 1,800 settlement conferences as a U.S. Magistrate Judge in virtually every area of civil litigation, including complex commercial, insurance, class action, mass torts, employment, serious personal injury, product liability, professional liability malpractice, antitrust, securities, government, civil rights, environmental, education, aviation, intellectual property, maritime, product liability, real estate, construction, consumer, sports, and entertainment
- Served on the Alternative Dispute Resolution committee for the United States District Court for the Eastern District of Pennsylvania for 10 years, drafting local federal court rules for court-annexed mediation program
- Frequent speaker at Continuing Legal Education programs on settlement negotiation, mediation, and the ADR Act

Representative Matters

- **Antitrust**
 - Claims of conspiracy by Internet bond trader against major brokers and dealers; claims of price fixing of blood reagent products; claims of price fixing in the pharmaceutical industry
- **Aviation**
 - Mediated claims by passengers of Swissair flight 111; accidents involving private planes; plane that crashed into a house resulting in injuries to the resident
- **Business/Commercial**
 - Successfully mediated hundreds of business disputes involving breach of contract, corporate, franchise, licensing, partnership, shareholder's rights, and breach of warranty claims
- **Civil Rights**
 - High profile case on behalf of severely abused child against private foster care placement agency and government agencies; claim against school district on behalf of special education student raped by their students in classroom supervised by a substitute teacher; cases involving alleged hazing, harassment and sexual misconduct

on a University sports team; multiple Title IX and Tort cases including claims of sexual abuse involving faculty, clergy and students in colleges, universities, primary and secondary schools, boarding schools and foster care

- **Class Action/Mass Tort**

- In addition to the class action matters listed above; RICO allegations brought by home buyers alleging specific violations; claims involving federal and state consumer protection statutes against Builder, Mortgage Brokers, Appraiser, and Mortgage Lender; ERISA/Securities Fraud class action by former employees of a national insurance company; multiple wage and hour class actions; unfair, deceptive and bad faith billing for supplying electricity to residential customers; claims involving a defective component part on a water supply line; breach of contract and breach of the covenant of good faith and fair dealing related to pricing practices on electric energy bills; violations of the Telephone Consumer Protection Act; consumer class action in connection with the repossession and resale of financed vehicles; cases involving the Fair Credit Reporting Act and the Fair Debt Collection Practices Act

- **Construction Defect**

- Claim by general contractor against regional transportation authority totaling more than \$20 million dollars of cost overruns due to post contract federal requirements regarding lead paint abatement

- **Employment**

- Successfully mediated thousands of claims of discrimination (age, disability, gender, national origin); hostile work environment; retaliation; wage & hour; FLSA, ADA; FMLA, state statutes, whistleblower/False Claims Act; harassment; denial of long-term disability insurance; employment contract; denial of employment due to criminal background checks issued under the FCRA

- **Entertainment and Sports**

- Copyright and royalty claims by songwriters and artists against record producers and distributors; contract and breach of fiduciary duty claim by heavyweight boxing champion against a promoter; employment discrimination and contract claims by various employees against professional sports teams; personal injury claims brought by professional football players against NFL teams

- **Environmental**

- Claims by the USA and state against more than twenty defendants in major environmental Superfund case

- **Estate Probate Trusts**

- Breach of fiduciary duty by placing trust assets in underperforming proprietary funds

- **Insurance**

- Mediated claims of bad faith, coverage, property damage, reinsurance, and subrogation; coverage disputes over damages sustained by commercial properties in the wake of Superstorm Sandy.

- **International**

- Dispute between two Mexican agribusinesses who claimed breach of warranty against the manufacturers of an anti-viral vaccine

- **Maritime/Admiralty**

- Multiple Jones Act cases; disputes between ship owners and insurers over cause of loss-mechanical failure or human error

- **Personal Injury/Torts**

- Successfully mediated cases involving complex catastrophic personal injury and wrongful death, workplace injuries, nursing home negligence, product liability (including multiple defective medical device claims), motor vehicle, toxic torts,

municipal and governmental tort liability, Dram shop/liquor liability, and premises liability

- **Professional Liability**
 - Mediated numerous cases involving legal malpractice, fee disputes, medical malpractice, chiropractic malpractice, accounting, executives, directors, and officers
- **Real Estate**
 - Partnership, joint venture, and contract disputes in major real estate development projects; disputes over real estate commissions; violation of franchise agreements
- **Securities**
 - Numerous individual and class actions involving claims of fraud; cases alleging breach of fiduciary duty by financial advisors and brokers; anticompetitive acts and practices as a part of an overall scheme to improperly maintain and extend monopoly power in the making for a pharmaceutical drug, causing the payment of overcharges
- **Sexual Abuse**
 - Successfully mediated settlements in numerous cases involving highly sensitive claims of sexual and physical abuse concerning adult and minor children and group/class action plaintiffs. Disputes included matters involving: alleged abuse at a prestigious boarding school; sex abuse leading to suicide of a college student; allegations of sexually charged hazing and misconduct in connection with university-sponsored sports teams; numerous cases involving sexual abuse claims against Archdioceses, Catholic and other religious schools, and nonsectarian private and public schools; disputes involving victims of incest and church officials; and matters regarding sex trafficking allegations against a major hotel chain

Honors, Memberships, and Professional Activities

- Included on "National Mediators" list, *Chambers USA America's Leader Lawyers for Business*, 2022
- Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS
- Listed as a "Recognized Practitioner," *Chambers USA*, 2019
- Recognized as an "ADR Champion", *National Law Journal*, 2016-2018
- Voted "BEST ADR INDIVIDUAL" by the readers of *ALM's Legal Intelligencer*, Best of 2007-2016
- Recognized as Mediation "Lawyer of the Year", Philadelphia, *Best Lawyers in America*, 2014
- Recognized as a Best Lawyer, Alternative Dispute Resolution Category, *Best Lawyers in America*, 2007-2022
- Recognized as a Pennsylvania Super Lawyer, Alternative Dispute Resolution Category, *Law & Politics Magazine*, 2008-2009
- Voted "Best Individual Mediator", *National Law Journal*, "Best Of" Survey, 2012
- Member, Federal Magistrate Judges Association; Third Circuit Director, 1999-2004
- Member, The Forum of Executive Women
- Member, American Inns of Court; President, Temple American Inn of Court, 2002-2003
- Member, National Association of Woman Judges, Federal Bar Association, Montgomery Bar Association, Philadelphia Bar Association,
- Bucks County Bar Association, Pennsylvania Bar Association, and other professional organizations
- Member of Third Circuit and U.S. District Court for the Eastern District of Pennsylvania court committees, including Federal-State
- Judicial Council, Committee on Bankruptcy and Magistrate Judges, Alternative Dispute

Resolution Committee, Court Interpreters

- Committee, Bench Bar Public Relations and Educational Programs Committee, and Congressional Delegation Committee

Background and Education

- U.S. Magistrate Judge, U.S. District Court for the Eastern District of PA, 1994-2005
- Private Law Practice, 1984-1994
- Deputy District Attorney, Bucks County District Attorney's Office, 1981-1984
- Legal Counsel, Pennsylvania Senate Judiciary Committee, 1980-1981
- J.D., Villanova University School of Law, 1979
- B.A., Political Science, *Magna Cum Laude*, La Salle University, 1976